

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 26, 2002  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 10:05 a.m. The meeting was recessed by Mayor Murphy at 11:05 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:10 a.m. with Council Member Maienschein not present. Mayor Murphy recessed the meeting at 11:46 a.m. to convene the Special Joint Council Meeting with the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:55 a.m. with Council Member Maienschein not present. Mayor Murphy recessed the meeting at 11:56 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:04 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:02 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:08 p.m. with all Council Members present. Mayor Murphy reconvened the Special Joint Council Meeting with the Redevelopment Agency at 3:09 p.m. with all Council Members present. Mayor Murphy reconvened the meeting at 5:25 p.m. with Council Member Atkins not present. Mayor Murphy adjourned the meeting at 7:23 p.m.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

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for the Regular Meeting of Tuesday, November 26, 2002**

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Clerk-Fishkin (gs/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Bob Hertel, Jon Kramer and Marion Moss Hubbard honored the Mayor and Council Members with an award for making ethics a top priority in the administration.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

PUBLIC COMMENT-2:

Don Stillwell commented on how the City of San Diego can save money regarding the phantom seating and ticket guarantee with the Chargers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. - 10:13 a.m.)

**PUBLIC COMMENT-3:**

Al Strohlein commented on the rules for public speaking and how they should be equal for the public as well as Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:14 a.m. - 10:17 a.m.)

**PUBLIC COMMENT-4:**

Clive Richard commented on the Charger issues being discussed in Closed Session and the logic for the ticket guarantee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. - 10:19 a.m.)

**PUBLIC COMMENT-5:**

Steve McWilliams commented on the wrongful arrest and the D.E.A. raid of marijuana plants being harvested for medical purposes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. - 10:22 a.m.)

PUBLIC COMMENT-6:

Deni McLagan commented on the guidelines for medical marijuana and expressed her concerns for the adolescents' views regarding the usage of marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. - 10:26 a.m.)

PUBLIC COMMENT-7:

Jarvis Ross commented on the term limits and wished the parting Council Members the best.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:28 a.m.)

PUBLIC COMMENT-8:

Martin Chevalier commented on how to obtain a permit for commercial coaches and their usage regarding hazardous waste materials. He also requests that this type of information be discussed at planning meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. - 10:30 a.m.)

PUBLIC COMMENT-9: **REFERRED TO THE CITY MANAGER**

Joseph Fox commented on the confusing communication with Neighborhood Code Compliance regarding valid complaints being destroyed by the staff.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. - 10:34 a.m.)

PUBLIC COMMENT-10:

Mignon Scherer commented on the coastal 30-foot height limitation Ordinance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:37 a.m.)

PUBLIC COMMENT-11:

Andrew Bailey commented on the improper transliteration of the great Aztec leader's name.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:39 a.m.)

PUBLIC COMMENT-12:

Mel Shapiro commented to the responses on a previous non-agenda comment and the avoidance of addressing the issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. - 10:42 a.m.)

PUBLIC COMMENT-13: **REFERRED TO THE CITY MANAGER**

Mary Perreira commented on the process of board elections and the manipulation of results by city employees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:44 a.m.)

**PUBLIC COMMENT-14: REFERRED TO THE CITY MANAGER**

Lori Saldana commented on the Rules Committee actions surrounding the sewage from Tijuana and the possibility of using a grant for 17 million dollars to eliminate pollution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10:48 a.m.)

**PUBLIC COMMENT-15:**

John Simpson, Sigourney Richmond-Darby and Emma Jacobson thanked and presented awards to several of the Council Members for showing their support to "Rebuilding Together".

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:51 a.m.)

**PUBLIC COMMENT-16:**

Cynthia Conger commented on the plans for the park at the Naval Training Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:54 a.m.)

**PUBLIC COMMENT-17:**

Michael Conroy thanked the Council for their unanimous vote regarding the Rescue Mission.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. - 10:55 a.m.)

**PUBLIC COMMENT-18:**

Kathleen Blavatt commented on the amount of people still expressing concerns with the topic surrounding the Naval Training Center and the tidelands lawsuit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. - 10:58 a.m.)

**PUBLIC COMMENT-19:**

Cyndi Jones, Michael Conroy and Bernard Schonfeld requested that the City of San Diego reconsider and reverse their decision to sign on with Sacramento's appeal regarding ADA issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. - 11:03 a.m.)

**PUBLIC COMMENT-20:**

Al Sessler thanked Deputy Mayor Stevens and Council Member Wear for their support to the tourism industry in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. - 11:05 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Mayor Murphy wished to acknowledge and congratulate Deputy Mayor Stevens for his service on the City Council from 1991 to 2002, and for his duties as Deputy Mayor during 2001 and 2002. Mayor Murphy presented Deputy Mayor Stevens with plaques to commemorate Mr. Stevens' service. Mayor Murphy also wished to commend Council Member Wear for his term of service and for being a good friend, and presented Mr. Wear with a commemorative plaque. Mayor Murphy expressed best wishes to Mr. Wear for the future.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:04 p.m.- 2:10 p.m.; 2:30 p.m.-2:32 p.m.)

COUNCIL COMMENT-2:

Council Member Wear wished to thank the City Council for their work with him. Mr. Wear introduced his staff and presented them with plaques of appreciation. Mr. Wear stated that it has been a honor to represent the citizens of San Diego. Council Member Wear also commented that he goes back to 1987 in serving with Deputy Mayor Stevens. Mr. Wear expressed his congratulations to Mr. Stevens for his years of service.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:10 p.m.-2:11 p.m.; 2:53 p.m.-3:02 p.m.)

COUNCIL COMMENT-3:

Council Member Madaffer wished to commend Deputy Mayor Stevens for his service,

especially as a public speaker, noting Mr. Stevens' love for, and enhancement of, libraries in the community. Mr. Madaffer noted that it is because of Deputy Mayor Stevens that the Fourth District is no longer called "Southeast San Diego." Council Member Madaffer said that Mr. Stevens will be missed. He also wished to commend Council Member Wear as being innovative, recalled Mr. Wear's receiving the 1995 Watch Dog Award, and cited Mr. Wear's hard work on the Sea World, NTC and San Diego Point Loma Branch Library projects.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:14 p.m.-2:14 p.m.; 2:32 p.m.-2:35 p.m.)

**COUNCIL COMMENT-4:**

Council Member Peters commented that it has been a pleasure to work with Deputy Mayor Stevens and has much admiration for Mr. Stevens' work in the past 10 years. Council Member Peters also wished to commend Council Member Wear for the job that he has done, also noting that Mr. Wear endorsed Mr. Peters' opponent for the City Council. Council Member Peters commented that we are indebted to Mr. Wear for his public service.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:14 p.m.-2:15 p.m.; 2:35 p.m.-2:37 p.m.)

**COUNCIL COMMENT-5:**

Council Member Inzunza noted that Deputy Mayor Stevens still has a lot to give to San Diego and that the best years are still ahead of him. Because of Mr. Stevens, a lot of doors have been opened to people of color and Latinos. Council Member Inzunza stated that Mr. Stevens will be missed. He also wished to commend Council Member Wear for his service, and cited "favorite moments" during his tenure. Mr. Madaffer called Mr. Wear a statesman who makes right decisions, is an optimist and believes in good government.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:15 p.m.-2:17 p.m.; 2:40 p.m.-2:41 p.m.)

**COUNCIL COMMENT-6:**

Council Member Atkins wished to pay tribute to the work Deputy Stevens has done for the City. She stated that she watched Mr. Stevens for many years before she was elected. Council Member Atkins noted that Mr. Stevens was always gentle and kind to her, adding that Mr. Stevens has always had compassion and a passion for the common person. Council Member Atkins also commended Council Member Wear for his display of courage and that he did whatever it took to get the job done. Noteworthy among his projects were the Mission Hills Library, Affordable Housing, Balboa Park and the AIDS Walk.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:17 p.m.-2:18 p.m.; 2:37 p.m.-2:39 p.m.)

**COUNCIL COMMENT-7:**

Council Member Frye commented that one could always count on Deputy Mayor Stevens to make us smile and laugh out loud, and that he had a knack of pointing out the absurdity of certain things. Council Member Frye cited Mr. Stevens' backing of the Wetlands issue. She also commended Council Member Wear for his service, noting that she first met Mr. Wear at her surf shop. Council Member Frye stated that Mr. Wear never lost his sense of humor, and that he has also helped her to fine-tune her activist abilities in doing what she believes is correct.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:18 p.m.-2:21 p.m.; 2:41 p.m.-2:44 p.m.)

**COUNCIL COMMENT-8:**

Council Member Maienschein commented that he has enjoyed working with Deputy Mayor Stevens, that they have become friends, and very much values Mr. Stevens' life story. Mr. Maienschein noted that Mr. Stevens can dress better than anyone here, and even once received a purple tie from Mr. Stevens as a gift. Mr. Maienschein also commented that he first met Council Member Wear when Mr. Wear ran his opponent's campaign. Mr. Maienschein pointed out Mr. Wear's good nature and that he is always smiling.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:24 p.m.-2:27 p.m.; 2:44 p.m.-2:46 p.m.)

**COUNCIL COMMENT-9:**

Deputy Mayor Stevens wished to thank all the Council Members for their years of service with him. He stated that he has always tried to take a City-wide view of things but that without the San Diego City Council things would not have gotten done. Deputy Mayor Stevens also commented on Council Member Wear's service, noting that he has never seen a person get in so much trouble but then come out on top, and then drive around in a convertible with the top down. Mr. Stevens stated that he knows Mr. Wear will land on his feet again.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:27 p.m.-2:30 p.m.; 2:46 p.m.-2:48 p.m.)

**CITY MANAGER COMMENT:**

City Manager Uberuaga commented that he and Deputy Mayor Stevens have worked together for five years, noting that Mr. Stevens is articulate and has always questioned staff in a proper way. Mr. Uberuaga also mentioned that this is not a "roast," even though Council Member Wear did support a strong mayor form of government. He further stated that Mr. Wear is a man of vision and that many of Mr. Wear's ideas have worked. With

such a “can-do” attitude, it has been a pleasure to work with him.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:21 p.m.-2:23 p.m.; 2:48 p.m.-2:51 p.m.)

**CITY ATTORNEY COMMENT:**

City Attorney Gwinn wished Deputy Stevens well, and noted that Mr. Stevens has always helped him with the hurting families in San Diego. Mr. Gwinn said that at first, he was a little scared of Mr. Stevens and even though he and Mr. Stevens “went at it” from time to time, Mr. Stevens helped him grow up, always appreciating his grace and genuineness. Mr. Gwinn also commented that Council Member Wear did endorse him but that he ran unopposed. Mr. Gwinn stated that he has known Mr. Wear for 12 years and that he is proud of Mr. Wear’s work on behalf of the City. Mr. Gwinn also acknowledged the fine staff that Mr. Wear has to work with.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:23 p.m.-2:24 p.m.; 2:51 p.m.-2:53 p.m.)

ITEM-330: Fine Medical/Sim Bruce Richards Building.

Matter of the appeal by Marco Vakili, from the decision of the Historical Resources Board in approving the historical site designation of property located at 3060 Fifth Avenue in the City of San Diego.

(See City Manager Report CMR-02-270. Uptown Community Plan Area. District-2.)

**TODAY’S ACTION IS:**

(R-2003- ) GRANTED APPEAL, ADOPTED AS RESOLUTION R-297395

A motion either granting or denying the appeal and upholding or overturning the action of the Historical Resources Board.

**CITY MANAGER'S RECOMMENDATION:**

Deny the appeal and uphold the decision of the Historical Resources Board to designate the fine Medical/Sim Bruce Richards Building as a Historical Resource Site under HRB Criteria.

**OTHER RECOMMENDATIONS:**

Historical Resources Board voted 8-3 on September 26, 2002 to approve; was opposition.

Ayes: Ulloa, Delawie, Ahern, Cheng, Malone, Marshall, McNeely, Sewell,  
Nays: Christenson, Emme, Schwartz

The Uptown Community Planners considered the appeal at their meeting on November 5, 2002. The Uptown Community Planners voted 11-1-0 to recommend that the City Council approve the appeal.

**CITY MANAGER SUPPORTING INFORMATION:**

**Background**

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision of September 26, 2002, to designate the Fine Medical/Sim Bruce Richards Building as a City of San Diego Historical Resource Site. Marco Vakili of Lennar Communities, future developer of the site, submitted the appeal on October 2, 2002. The property is located at 3060 Fifth Avenue in the Uptown Community, Council District 3. The site is developed with a single story office building and a parking lot.

Ewell/Goldberg/TD

**FILE LOCATION:** LUP-Fine Medical/Sim Bruce Richards Building,  
11/26/02 (65)

**COUNCIL ACTION:** (Time duration: 11:36 a.m. - 11:45 a.m.)

Testimony in favor by Craig Beam and Drew Hubbell.

MOTION BY WEAR TO GRANT THE APPEAL, ADOPT THE FINDINGS SUBMITTED BY THE APPLICANT AND INCLUDE IN THE RECORD THE STATEMENT READ BY MS. LIA AS FOLLOWS:

THE PARTIES HAVE VOLUNTARILY AGREED THAT THE APPEAL SHOULD BE UPHELD AND THAT THE DEVELOPMENT PROCESS FOR THE SITE WILL REMAIN A PROCESS 3 DEVELOPMENT PROCESS WITH NO REQUIRED EXCEPTIONS TO THE P.D.O. THE APPELLANTS WILL CONSULT WITH MR. HOMER DELAWIE AND REPRESENTATIVES OF THE BOARD ON THE CONTENT AND FORM OF AN APPROPRIATE MEMORIAL ELEMENT TO BE INSTALLED AT OR NEAR THE CORNER WHICH WILL INFORM THE PUBLIC ABOUT THIS BUILDING WITH SAMPLES AND MATERIALS, AND ABOUT SIM BRUCE RICHARDS AND HIS ARCHITECTURAL CAREER. THE APPELLANTS ALSO AGREE TO PREPARE A PHOTO AND DRAWING DOCUMENTATION OF THE BUILDING. THE HISTORICAL RESOURCES BOARD STAFF ON BEHALF OF THE BOARD CONFIRMS THAT IN LIGHT OF THE NEW EVIDENCE IN THE RECORD THEY ARE NOT OPPOSING THIS APPEAL.

Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Reclaimed Water Business Plan.

(See City Manager Report CMR-02-162.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-527 Cor. Copy)      CONTINUED TO MONDAY, DECEMBER 09,  
2002

Authorizing the City Manager, in conjunction with the Public Utilities Advisory Commission, to develop criteria and procedures to enforce the Reclaimed Water Mandatory Reuse Ordinance, San Diego Municipal Code Section 64.0801 et. seq., of Division 8: Water Reclamation and Ocean Monitoring, of Article 4: Sewers;

Authorizing the City Manager to proceed with recommendations to modify the Land Development Code process to allow the reclaimed water to become part of the Land Development Code;

Approving a Commercial Tenant Improvement Plan Review Fee of \$400 for over-the-counter reclaimed water plan checks and a Fee for Service deposit of \$2,400 for projects requiring the plan submittal for review, both effective January 27, 2003.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/17/2002, NR&C voted 5 to 0.

- A. Approve the City Manager's recommendations.
- B. Develop procedures/criteria to implement the Mandatory Reuse Ordinance.
- C. Direct the City Manager to review the Water Assurance Plan and report back on how it relates to the Reclaimed Water Business Plan.
- D. Direct the City Manager to review pricing alternatives to encourage conservation.
- E. Direct the City Manager to review the issue of further reducing the reclaimed water rate.
- F. Include landscaping, water conservation, and water quality as part of the Reclaimed Water Business Plan.
- G. Provide Geographic Information System overlay/environmental review on the impacts of Total Dissolved Solids on reclaimed water.
- H. Direct the City Manager to analyze water use patterns at City-owned parks and recommended water conservation measures.
- I. Direct the City Manager to develop and implement a public awareness/outreach campaign, to include the costs of implementing such program.
- J. Direct the City Manager to seek Federal and State funding for reclaimed water projects.
- K. Report back to the Natural Resources and Culture Committee within 90 days.

(Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

The City's strategic reclaimed water objective is to increase the number of customers using reclaimed rather than potable water. This will enable the City to beneficially utilize reclaimed water plant production capacity to the greatest extent possible and provide a reliable alternative water source to non-potable customers. The Reclaimed Water Business Plan builds on previous City Council actions to further this objective.

On July 24, 1989, the City Council adopted Ordinance 0-17327 N.S., known as the Mandatory Reuse Ordinance. This Ordinance authorized the City Manager to make preliminary determinations on the conversion of potable water customers to reclaimed water, condition development projects to use reclaimed water, and require reclaimed water facilities as a condition for approval of building permits. The Mandatory Reuse Ordinance establishes the policy that reclaimed water shall be used within its jurisdiction wherever feasible, and consistent with legal requirements, preservation of the public health, safety and welfare, and the environment.

Other actions to further the beneficial use of reclaimed water included: preparation of the Beneficial Reuse Study (BRS) which identified the most cost-effective use of reclaimed water; development of a long-term capital program based on the findings of the Reclaimed Water Master Plan (an update to the Beneficial Reuse Study); and reduction of reclaimed water rates from \$580/Acre-Foot (AF) or \$1.34/Hundred Cubic Feet (HCF) to \$350/AF or \$0.80/HCF.

The Manager's Report details an on-going strategy, as well as identifies an internal City process to implement the Reclaimed Water Business Plan in a customer friendly and efficient manner. The reclaimed water strategy that the Water Department is pursuing, as detailed in the BRS, is to connect large, single-meter customers to the system in order to develop the most cost effective non-potable reclaimed water distribution system.

Three actions are requested. The first is for the Water Department to work with the Public Utilities Advisory Commission to develop procedures to enforce a provision in the Mandatory Reuse Ordinance requiring existing potable water customers to convert to use reclaimed water. The second action is to modify the Land Development Code (LDC) to include reclaimed water. The LDC has established rules and regulations regarding the use of the land development process to extend water and wastewater facilities within the City of San Diego but does not currently include reclaimed water facilities. The third action will establish plan check fees to recover the cost of City staff plan review. Staff recommends a Commercial Tenant Improvement Plan Review Fee of \$400 for over-the-counter reclaimed water plan checks and a Fee for Service deposit of \$2,400 for projects requiring plan submittal for review. Similar fees are currently being used for cost recovery on water and wastewater plan reviews. These fees would become effective January 27, 2003.

On July 17, 2002, the Natural Resources and Culture Committee reviewed and gave tentative approval to the Reclaimed Water Business Plan.

A more detailed description of the Reclaimed Water Business Plan can be found in the Manager's Report.

**FISCAL IMPACT:**

None. Additional costs to implement this action will be reimbursed through building permit plan check fees.

Mendes/Gardner/MS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:05 a.m. - 10:07 a.m.)

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO MONDAY, DECEMBER 9, 2002 AT THE REQUEST OF MAYOR MURPHY FOR FURTHER REVIEW .  
Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Second Public Hearing - Red Light Photo Enforcement Contract with Affiliated Computer Services.

**CITY MANAGER'S RECOMMENDATION:**

Hold the second public hearing and introduce and adopt the following ordinance:

(O-2003-84)                      ADOPTED WITH DIRECTIONS AS ORDINANCE  
O-19125 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-19083 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2002-2003 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document No. 00-19083, as amended and adopted therein, by amending the Non-Personnel Appropriation in City Wide Program Expenditures, Department (601), in General Fund 100, for the purpose of funding vendor payments for the Red Light Photo Enforcement Program from unbudgeted Red Light Photo Enforcement Program revenues.

**NOTE:** Today's action is the second public hearing and introduction and adoption of the ordinance. See Item 200 on the docket of Monday, November 25, 2002 for the first public hearing.

**FILE LOCATION:**                      MEET

**COUNCIL ACTION:**                      (Time duration: 11:11 a.m. - 11:12 a.m.)

MOTION BY PETERS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE WITH DIRECTIONS TO THE CITY MANAGER TO SPECIFICALLY EVALUATE THE INTERSECTION OF BLACK MOUNTAIN ROAD AND OVIEDO STREET IN RANCHO PENASQUITOS FOR POSSIBLE PARTICIPATION IN THE PROGRAM.

ACCEPT COUNCIL MEMBER STEVENS' REQUEST THAT THE CITY MANAGER REEVALUATE THE TIMING OF THE YELLOW LIGHT AT THE INTERSECTION OF EUCLID AVENUE AND IMPERIAL AVENUE.

Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Installation of Mid-Block Streetlights on Kettner Blvd. from Laurel to Ash Streets.

(See Centre City Development Corporation Report CCDC-02-05.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-631)                      ADOPTED AS RESOLUTION R-297396

Declaring that the Council finds and determines that the installation of mid-block streetlights on Kettner Boulevard from Laurel and Ash Streets, for which the Agency proposes to for, are of benefit to the Centre City Redevelopment Project Area;

Declaring that the Council finds and determines that the proposed improvements will assist in eliminating one or more blighting conditions inside the Project Area and that no other reasonable means of financing the proposed improvements are available to the community;

Declaring that the Council finds and determines that the Agency's funding of the installation of the Streetlight Improvements in the Project Area is consistent with the Implementation Plan for the Project Area, as adopted and amended by the Agency pursuant to California Health and Safety Code Section 33490.

**NOTE:** See the Redevelopment Agency Agenda of 11/26/2002 for a companion item.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Time duration: 11:27 a.m. - 11:28 a.m.)

MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Four actions related to Financing & Refinancing of the Centre City  
Redevelopment Project; Amendment to Parking Structure Operating Agreement;  
Amendment to Centre City Redevelopment Plan; and Making Certain Findings  
relating to the Public Parking Facilities.

(See CCDC Report dated 11/20/2002. Centre City Redevelopment Project Area.  
District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the resolutions in Subitems A and B, and introduce the ordinances in Subitems C  
and D:

Subitem-A: (R-2003-693) ADOPTED AS RESOLUTION R-297397

Approving the financing and refinancing of the Centre City Redevelopment  
Project by the Redevelopment Agency of the City of San Diego.

Subitem-B: (R-2003-692) ADOPTED AS RESOLUTION R-297398

Approving the Issuance by the Redevelopment Agency of the City of San Diego  
of the Centre City Parking Bonds, Series 2003B, and making certain findings  
concerning the use of the bond proceeds.

Subitem-C: (O-2003-81) INTRODUCED, TO BE ADOPTED ON MONDAY,  
DECEMBER 9, 2002

Introduction of an Ordinance authorizing the City Manager to execute an  
amendment to the Parking Structure Operating Agreement with the  
Redevelopment Agency of the City of San Diego.

Subitem-D: (O-2003-79) INTRODUCED, TO BE ADOPTED ON MONDAY  
DECEMBER 9, 2002

**NOTE:** See the Redevelopment Agency Agenda of 11/26/2002 for a companion item.

**COUNCIL ACTION:** (Time duration: 11:15 a.m. - 11:17 a.m.)

(See City Manager Report CMR-02-285. Linda Vista, Clairemont Mesa, Midway/Pacific Highway, Old Town, Uptown, Peninsula, Mission Valley Community Areas. Districts-2 and 6.)

Adopt the following resolution:

Ratifying the election results of October 30, 2002 for the Project Area Committee for the North Bay Redevelopment Project.

**COUNCIL ACTION:** (Time duration: 11:26 a.m. - 11:27 a.m.)

MOTION BY WEAR TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO REVIEW THE CITY'S CRITERIA OF THE ELECTION PROCESS AND SUBMIT A REPORT TO THE APPROPRIATE COMMITTEE OR COUNCIL.

Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S501: Morena Vista Transit - Oriented Development Project.

(See City Manager Report RA-02-22/CMR-02-276. North Bay Redevelopment Project Area. Districts-1, 2 and 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-727) ADOPTED WITH DIRECTIONS AS RESOLUTION R-297401

Directing the removal of the traffic roundabout from CIP-52-430;

Expressing conceptual approval of a financing plan for the Morena Vista Transit Project and directing staff to return with a finalized financing plan.

**NOTE:** See the Redevelopment Agency Agenda of 11/26/2002 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 5:25 p.m.-7:23 p.m.)

Motion by Frye to continue this item and the companion Redevelopment item to provide a legislative courtesy to the new council member-elect from District 2, and North Bay Project Area Committee a chance to review this item. No second.

MOTION BY WEAR TO ADOPT WITH DIRECTION THAT THIS ITEM BE RETURNED TO COUNCIL ON JANUARY 14, 2003 FOR CONSIDERATION OF THE DISPOSITION AND DEVELOPMENT AGREEMENT. REQUEST THAT THE DESIGN OF THE UNDERGROUNDING ON THE PROJECT BE EXPEDITED.

Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-not present, Stevens-yea, Maienschein-yea, Frye-yea (nay on including public park-and-ride facility funding and funding to cover soil compaction and predevelopment/ entitlement costs, and entering into a Disposition and Development Agreement prior to providing an Environmental Impact Report), Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S502: Encroachment Agreement for Elevated Deck - Children's Museum Project.

(See memorandum from Centre City Development Corporation CCDC-02-09 dated 11/19/2002. Centre City Marina Sub Area of the Centre City Redevelopment Project. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-680)                      ADOPTED AS RESOLUTION R-297400

Authorizing the City Manager to execute an encroachment agreement with the Children's Museum for the Children's Museum Project, located within the block bounded by Market Street, Front Street, Island Avenue, and Union Street.

**NOTE:** See the Redevelopment Agency Agenda of 11/26/2002 for a companion item.

**FILE LOCATION:**                      MEET

**COUNCIL ACTION:**                      (Time duration: 11:21 a.m. - 11:21 a.m.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**NON-DOCKET ITEMS:**

None.

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**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 7:23 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:23 p.m.)